



REPUBLIC OF THE PHILIPPINES

**Sandiganbayan**

Quezon City

Fifth Division

PEOPLE OF THE PHILIPPINES, SB-17-CRM-0762 to 0777  
*Plaintiff,*

– versus –

DATU SAJID ISLAM UY  
AMPATUAN, ET AL.,  
*Accused.*

For: Violation of Section 3(e)  
of Republic Act No. 3019 and  
Falsification of Public  
Documents under Article 171  
of the Revised Penal Code

Present:  
LAGOS, J., Chairperson,  
MENDOZA-ARCEGA, and  
CORPUS-MAÑALAC, JJ.

Promulgated:

April 27, 2018 *lag*

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**RESOLUTION**

**LAGOS, J.:**

The prosecution filed a *Motion to Suspend Accused Pendente Lite*, praying for the suspension of accused Anthony S. Kasan, Akmad S. Salim, Jaypee Piang, Yahiya A. Kandong and Omar B. Camsa.<sup>1</sup> These accused were given a period of fifteen (15) days within which to file their comment/opposition.<sup>2</sup> Despite the period given to them, no comment/opposition was filed by the said accused and/or their counsel.

In its motion, the prosecution states that these accused were arraigned under a valid Information on 15 August 2017 and it also asserts that they are incumbent public officers: Kasan, Salim, Piang and Kandong are employed in the Provincial Government of

<sup>1</sup> Dated 27 March 2018; Records, Vol. 2, pp. 427-430.

<sup>2</sup> Order dated 27 March 2018; Records, Vol. 2, pp. 433-434.

*lag*

Maguindanao while Camsa is from the Local Government Unit of Datu Abdullah Sangki, Maguindanao. As a result, the accused's preventive suspension is in order, pursuant to Section 13 of Republic Act No. 3019.

### **DISCUSSION and RULING**

Section 13 of Republic Act No. 3019 provides:

Section 13. Suspension and loss of benefits. — Any incumbent public officer against whom any criminal prosecution under a valid information under this Act or under Title Seven Book II of the Revised Penal Code or for any offense involving fraud upon government or public funds or property whether as a simple or as a complex offense and in whatever stage of execution and mode of participation, is pending in court shall be suspended from office. Should he be convicted by final judgement, he shall lose all retirement or gratuity benefits under any law, but if he is acquitted, he shall be entitled to reinstatement and to the salaries and benefits which he failed to receive during suspension, unless in the meantime administrative proceedings have been filed against him.

Section 13 of Republic Act No. 3019 is very straightforward. Any incumbent public officer against whom any criminal prosecution under a valid information under Republic Act No. 3019 is pending in court shall be suspended from office.

It is a preventive suspension, not a penalty, and its purpose is to prevent the accused public officer from hampering his or her prosecution by intimidating or influencing witnesses, tampering with documentary evidence, or committing further acts of malfeasance while in office.<sup>3</sup>

An accused who enters a plea waives any objection he or she may have to the validity of an information, except on certain grounds.<sup>4</sup> Herein accused were given the chance to file their comment to the motion and raise therein any objection to the validity of the Information. Since the accused have already been arraigned<sup>5</sup> and no defect in the Information has been noted, the validity of such Information is no longer in question.

Accused Kasan, Salim, Piang, Kandong and Camsa are charged for violation of Falsification of Public Documents under Article 171 (4) of the Revised Penal Code in SB-17-CRM-0770 to 0771 and SB-17-CRM-0774 to 0777 under a valid Information. Thus,

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<sup>3</sup> Beroa v. Sandiganbayan, G.R. No. 142456, 27 July 2004.

<sup>4</sup> Miranda v. Sandiganbayan, G.R. No. 154098, 27 July 2005; Rule 117, section 9 of the Rules of Court.

<sup>5</sup> See Order of 15 August 2017; Records, Vol. 1, pp. 280-281.

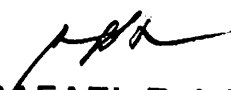
their preventive suspension under section 13 of Republic Act No. 3019 is mandatory and warranted.

While the law does not specify the length of the suspension, jurisprudence has fixed such suspension at ninety (90) days. In *Gonzaga v. Sandiganbayan*<sup>6</sup>, the Supreme Court, citing its earlier rulings in *Doromal v. Sandiganbayan*<sup>7</sup> and *Deloso v. Sandiganbayan*<sup>8</sup>, said that preventive suspension under section 13 of Republic Act No. 3019 shall be limited to a maximum period of ninety (90) days.

**WHEREFORE**, the prosecution's motion is hereby **GRANTED**. Accused Anthony Kasan, Akmad Salim, Jaypee Piang, Yahiya Kandong and Omar Camsa are ordered preventively suspended from their positions in the Provincial Government of Maguindanao and Municipal Government of Datu Abdullah Sangki, Maguindanao or from any other public office which they may now or hereafter be holding, for a period of ninety (90) days.


Let a copy of this resolution be furnished to the Governor of the Province of Maguindanao and the Municipal Mayor of Datu Abdullah Sangki, Maguindanao, who are directed to implement this order of suspension and report to this Court, within five (5) days from receipt, the action taken on this matter, including the actual date of implementation of the suspension order and the ninetieth (90<sup>th</sup>) day thereof.

**SO ORDERED.**

  
**RAFAEL R. LAGOS**  
Chairperson  
Associate Justice

**WE CONCUR:**

  
**MARIA THERESA V.  
MENDOZA-ARCEGA**  
Associate Justice

  
**MARYANN E.  
CORPUS-MAÑALAC**  
Associate Justice

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<sup>6</sup> G.R. No. 96131, 6 September 1991, 201 SCRA 417.

<sup>7</sup> G.R. No. 85468, 7 September 1989, 177 SCRA 354.

<sup>8</sup> G.R. Nos. 86899-903, 15 May 1989, 173 SCRA 409.